

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 21, 2002

DIVISION ONE

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B146787 People (Not for Publication)
v.
Williams

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B151095 People (Not for Publication)
v.
Altert A.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

[illegible]

The sentence is vacated and the matter is remanded to the trial court with directions to resentence Hooks; in all other respects, the judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B152806 Minkovsky et al. (Not for Publication)
v.
Felger et al.

The judgment is affirmed. Respondents Matthew and Natalie Minkovsky are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

DIVISION THREE

B147292 Brian Dryer (Not for Publication)
v.
George Shei et al.

The judgment is reversed. Each party to bear their own costs.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B153907 People (Not for Publication)

V.

Fernando Lopez Cruz

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.

Aldrich, J.

B152009 People (Not for Publication)

V.

Fabian E.

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.

Aldrich, J.

B143373 Stanley Zicklin (Not for Publication)

V.

Emanuel Weintraub

The judgment is reversed as to the causes of action for declaratory and injunctive relief and breach of fiduciary duty, and remanded. Upon remand, the trial court is directed to (1) enter an order summarily adjudicating in favor of Zicklin his cause of action for declaratory relief and injunctive relief, (2) enter a new order denying the motion for summary adjudication in favor of Weintraub on Zicklin's cause of action for breach of fiduciary duty, and (3) conduct such further proceedings as may be necessary or appropriate and consistent with the views expressed herein. Zicklin is awarded his costs on appeal.

Croskey, J.

We concur: Klein, P.J.

Kitching, J.

DIVISION THREE (Continued)

B149411 Paul A. Lessler, et al. (Not for Publication)
 v.
 EMR, Inc., etc., et al.

The judgment is affirmed. Costs on appeal to the Kehr defendants.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B146709 California Business Bureau, Inc. (Not for Publication)
 v.
 William W. Bloch

The order from which defendant has appealed is affirmed. Costs on appeal to plaintiff. Defendant is order to pay to plaintiff, as an for sanctions on appeal, the sum of \$7,210.50. Such sanctions are payable on or before 30 days after the remittitur issues in this matter.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B149053 People (Not for Publication)
 v.
 Mario Velasquez

The judgment is modified by striking the four-year middle term imposed for the present offense and by imposing the three-year lower term; as modified, the judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

March 21, 2002-Continued

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

[illegible]

The judgment is reversed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

[illegible]

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

March 21, 2002-Continued

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B150096 People (Not for Publication)
v.
Anthony Hopkins

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and S. Veverka, Deputy Clerk.

Each of the following:

B155159 Annie O., et al v. S.C.L.A. (D.C.F.S.)
 B144944 People v. Patterson
 B150995 People v. Armond P.
 B149906 Snider v. Mariner

Argument waived, cause submitted.

DIVISION FOUR (Continued)

B154578 The People
 v.
 Superior Court, Los Angeles County
 (Chacon, r.p.i.)

Merits:

Argued by Phyllis C. Asayama for petitioner and by William J. Genego for real party in interest. Cause submitted.

B148081 Eileen Burk
 v.
 Gerald Burk

Merits:

Argued by Gerald Burk, appellant in propria persona. Respondent waived oral argument. Cause submitted.

B147844 Wheat
 v.
 Blue Cross of California

Merits:

Argued by Harry Chamberlain for appellant and by John D. Rowell for respondent. Cause submitted.

B155162 Vincent P.
 v.
 Superior Court, Los Angeles County
 (D.C.F.S., r.p.i.)

Merits:

Argued by Vincent P., appellant in propria persona, and by Jerry M. Custis for real party in interest. Cause submitted.

DIVISION FOUR (Continued)

B152628 Sav-On Drug Stores, Inc.
 v.
 Superior Court, Los Angeles County
 (Rocher et al., r.p.i.)

Merits:

Argued by Rex Heinke for petitioner and by Matthew Righetti for real parties in interest. Cause submitted.

Court recessed.

Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and S. Veverka, Deputy Clerk.

Each of the following:

B147626 People v. Galvan
B151926 People v. Pellegrin et al.
B152357 PM Investors Corporation et al. v. Gateway Tower et al.

Argument waived, cause submitted.

B147373 People
 v.
 Torres

Merits:

Argued by Joanna McKim for appellant and by Kim Aarons, deputy attorney general, for respondent. Cause submitted.

DIVISION FOUR (Continued)

B149120 People v. Boateng
B152691 In re Boateng on Habeas Corpus

Merits:

Argued by Robert M. Sweet for appellant/petitioner and by Thomas C. Hsieh, deputy attorney general, for respondent. Cause submitted.

B150766 Johnson
v.
Los Angeles Unified School District

Merits:

Argued by Christie E. Webb for appellant and by W. Keith Wyatt for respondent. Cause submitted.

B148399 First Financial Insurance Company
v.
Reeves et al.

Merits:

Argued by John N. Quisenberry for appellant Michigan Gardens Townhouses, by Victor W. Herman for appellant Reeves and by Edmund Farrell III for respondent. Cause submitted.

B123992 Howard Jarvis Taxpayers Association et al.
v.
Connell and California Correctional Peace Officers Association et al.

Merits:

Argued by Jennifer K. Rockwell for appellants Connell et al., by Dennis M. Moss for intervenors/appellants Professional Engineers et al., by Cathleen A. Williams for intervenors/appellants California Union of Safety Employees et al., by Marian Johnston for appellants/respondents Office of Legislative Counsel et al. and by Richard I. Fine for respondents Howard Jarvis Taxpayers' Association et al. Cause submitted.

Court adjourned.

DIVISION FOUR (Continued)

B150557 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Alia H.

The order is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FIVE

B150056 People (Not for Publication)
v.
Rodney Swanson

The judgment is modified to award defendant 327 days of presentence credits which includes 108 days of conduct credits. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

DIVISION SIX

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SIX (Continued)

B151605 Welsford et al. (Not for Publication)
 v.
 Welsford et al.

The judgment (order) is affirmed. Costs on appeal are awarded to respondents.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B151314 People (Not for Publication)
 v.
 Henderson

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

B151260 People (Not for Publication)
 v.
 Santos

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (Continued)

B124130 Testan
 v.
 Carlsen Motor Cars, Inc.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B153377 The People *ex rel.* City of Oxnard (Not for Publication)
 v.
 Narula

The judgment is affirmed. Costs are awarded to respondents.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B148018 Harris (Certified for Publication)
 v.
 Sandro

The judgment is affirmed. As a sanction for this frivolous appeal, Harris, Kevin J. Stack, and the law firm of Knapp, Petersen and Clarke, shall pay \$11,062 to counsel for Sandro. Sandro shall also recover from appellant her costs on appeal. A copy of this opinion shall be forwarded to the State Bar of California (Bus. & Prof. Code, Section 6086.7.)

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SEVEN

B152012 People (Certified for Publication)
v.
Robert H.

The order of disposition is reversed insofar as the court failed to make reasonable orders limiting the minor's conduct under supervision under Welfare and Institutions Code section 730 and the finding required by Welfare and Institution Code section 726. Upon remand, the court shall determine if it wishes to impose conditions of supervision under Welfare and Institutions Code section 730 and the court shall make the finding required by Welfare and Institutions Code section 726. In all other respects, the orders under review are affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Perluss, J.

B147392 Cyrus M. Sanai (Not for Publication)
v.
Harvey A. Saltz et al.

The order denying the special motion to strike is affirmed. The appeal from the order denying the motion for preliminary injunction is dismissed. The parties are to bear their own costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Perluss, J.

DIVISION SEVEN (Continued)

B147324 Saver (Not for Publication)
v.
Principal Mutual Insurance Company

The appeal as to the order denying class certification is dismissed. The appeal from the order sustaining Principal’s demurrer to the fraud claim is dismissed. The order affirming summary judgment on the premium class’s contract claim is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B147471 Wang (Not for Publication)
v.
Massey Chevrolet

The judgment is reversed and on remand the trial court is directed to vacate its prior order granting summary judgment, and to enter a new order denying the motion for summary judgment, denying summary adjudication as to the first and third causes of action of the first amended complaint, and granting summary adjudication as to the second cause of action of the first amended complaint sounding in common law fraud. Appellants are entitled to costs on appeal.

Lillie, P.J.

We concur: Woods, J.
Perluss, J.

DIVISION SEVEN (Continued)

B148976 People (Not for Publication)
v.
Medina aka Villa

The judgment is modified to provide that appellant's determinate term will be 23 years, consisting of the upper term of nine years for the count 7 assault with the semi-automatic firearm (victim Rodriguez), enhanced by 10 years for the use of a firearm, and four consecutive one-year terms for the service of the four prison terms. The LWPP term for the count 1 attempted murder (victim Cooper) is imposed consecutively and is enhanced by 10 years for the use of a firearm and by three years for the infliction of great bodily injury, an additional 13 years consecutively imposed to the LWPP term. The other terms and enhancements imposed by the court are stayed pursuant to Penal Code section 654. In all other respects, the judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Perluss, J.

B143771 People (Not for Publication)
v.
See

The finding with regard to count 4 that the attempted murder of victim Park was committed willfully, deliberately, and with premeditation pursuant to Penal Code section 664, subdivision (a), is reversed and the matter is remanded to the trial court for further proceedings. In all other respects, the judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Perluss, J.

March 21, 2002-Continued

DIVISION SEVEN (Continued)

B149082 Karton (Not for Publication)
v.
Mooney

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B148509 People (Not for Publication)
v.
Trinh

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B145867 Tradewinds Escrow, Inc. (Not for Publication)
v.
Truck Insurance Exchange

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Woods, J.
Perluss, J.

DIVISION SEVEN (Continued)

B155428 In re Brandon V., a Minor (Not for Publication)
 Rolando M.

v.
Superior Court, Los Angeles County
Los Angeles County, D.C.S.

The petition is dismissed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B148321 People (Not for Publication)
 v.
 Hearod

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Perluss, J.

B144966 VSS Sales Inc. (Not for Publication)
 v.
 Uni-Seal Valve Company et al.

The judgment is reversed with directions to enter judgment for VSS against Lortz & Son in the sum of \$62,142.03. Appellant is awarded costs on appeal.

Lillie, P.J.

I concur: Johnson, J.
I dissent: Perluss, J. (Opinion)

DIVISION SEVEN (Continued)

B152441 Jenkins
 v.
 Stokes

Filed order denying petition for rehearing.

B144946 Hyland
 v.
 Hughes Aircraft Company

Filed order denying petition for rehearing.

DIVISION EIGHT

B149640 People
 v.
 Kekona, III

Filed order denying petition for rehearing.